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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

FEDERAL NATIONAL MORTGAGE ASSOCIATION,  v.  KRIS TAKAS,	Plaintiff/Counterclaim Defendant,  Defendant/Counterclaim Plaintiff.	MEMORANDUM DECISION AND ORDER DENYING DEFENDANT'S AND THIRD PARTY PLAINTIFF'S REQUEST TO REFER THIS MATTER TO MEDIATION WITH THE COURT'S ADR PROGRAM  Case No. 2:17-cv-204 DAK  District Judge Dale Kimball  Magistrate Judge Brooke Wells
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Pending before the court is Defendant and Third Party Plaintiff Kris Takas' Motion to Refer this Matter to Mediation with this Court's ADR Program.<sup>1</sup> The court finds oral argument would not be helpful on the motion and decides it on the basis of the briefing before it.<sup>2</sup>

Having reviewed Ms. Takas' motion the court finds it contains arguments that are more appropriate for a decision on the merits of this case and applicable to the unlawful detainer controversy. They do not support a referral to the court's ADR program. For example, Ms. Takas' argues that Plaintiff's "complaint of unlawful detainer ... must be dismissed."<sup>3</sup> And, asserts that Utah's unlawful detainer statute is a "'severe remedy, and ... it must be strictly complied with before the cause of action may be maintained.'"<sup>4</sup> There are no arguments that the parties are somehow close to an agreement or that a referral to the ADR program would be more efficient in resolving the parties' claims.

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<sup>1</sup> Docket no. 15.

<sup>2</sup> DUCivR 7-1.

<sup>3</sup> Mtn. p. 5, docket no. 15 (emphasis omitted).

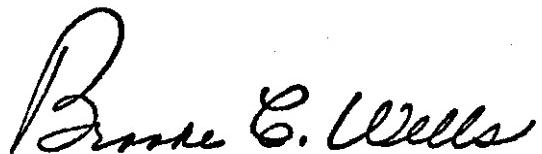
<sup>4</sup> *Id.* p. 6 (quoting *Parkside Salt Lake Corp v. Insure-Rite, Inc.*, 37 P.3d 1202, 1206 (2001) (emphasis omitted)).

In addition, Plaintiff's opposition notes the long history of settlement negotiations in this matter and the positions of the parties that appear to be set in stone at this point. Plaintiff argues a referral to the ADR program would simply "waste further time and money ...."<sup>5</sup>

The court agrees and finds there is no basis to refer this matter to the court's ADR program. Ms. Takas' motion therefore is DENIED.

IT IS SO ORDERED.

DATED this 5 May 2017.



Brooke C. Wells  
Brooke C. Wells  
United States Magistrate Judge

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<sup>5</sup> Op. p. 3.